

STATE OF NEVADA



COMMISSION ON ETHICS

COMMISSION PANEL DETERMINATION
REGARDING JUST AND SUFFICIENT CAUSE
NRS 281.511(3)

COMMISSION PANEL: MARK HUTCHISON AND JIM KOSINSKI

IN THE MATTER OF THE REQUEST FOR OPINION
CONCERNING THE CONDUCT OF
Earl Mitchell, Constable
Clark County, Henderson Township

Request for Opinion
No. 05-36

On March 22, 2006, pursuant to NRS 281.462, a Commission panel reviewed the Executive Director's Report and Recommendations Regarding Just and Sufficient Cause, the request for opinion filed herein, and all related documents and determined that just and sufficient cause does not exist for the Commission to hold a hearing and render an opinion on the allegations that Mr. Mitchell violated the provisions of NRS 281.481(2), NRS 281.481(7), and NRS 281.481(10), and the complaint was dismissed. Specifically, the panel found no evidence of any act in violation of the Ethics in Government Law by Mr. Mitchell in response to the allegations he intentionally structured the Henderson Township Constable's Office so that he might concurrently hold the elected public office of Constable and public employment as a Henderson city police officer. In differentiating this complaint from the *Nolen* opinion (NCOE Opinion No. 96-39) the panel found: (1) There was no policy manual in place which would require Mr. Mitchell's full-time attention to the Constable's office; (2) There were no similar allegations of inappropriate conduct during office hours such as meeting staff in bars, drinking on the job, or making campaign-related visits; and (3) The Henderson Constable earns only a few thousand dollars a year in compensation compared to the Las Vegas Constable, an office which earns in excess of \$70,000 annually.

The Request for Opinion is, therefore, DISMISSED.

DATED: March 22, 2006

Stacy M. Woodbury
Stacy M. Woodbury, MPA, Executive Director

CERTIFICATE OF MAILING

I certify that I am an employee of the Nevada Commission on Ethics and that on this day at Carson City, Nevada, I placed a true and correct copy of the Commission Panel Determination Regarding Just and Sufficient Cause in a Federal Express envelope and caused it to be sent via overnight delivery service, addressed as follows:

Earl Mitchell, Constable
Clark County, Henderson Township
243 Water Street
Henderson, NV 89015

Dated: March 22, 2006

Emily H. Nunez
Office Manager, Nevada Commission on Ethics